

ARGUMENT

Applicant notes with appreciation the Examiner's withdrawal of the previous rejection under 35 U.S.C. §112, first paragraph in response to the previously submitted amendments.

Further, Applicant notes with appreciation the Examiner's withdrawal of the rejection of Claims 1-9 under 35 U.S.C. §102(a) over the *Frisch* reference.

In the present action the Examiner has rejected Claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over *Golding et al.*, United States Patent Number 5,265,163 in view of *Frisch* Essential System Administration second addition (herein after referred to as "*Frisch*"). Applicant respectfully traverses the Examiner's rejection for the reasons set forth herein.

Golding et al. teaches a computer system having a power-on password stored in non-volatile memory where an entry of the power-on password by a system manager permits access to all of the computer functions. As noted by the Examiner, *Golding et al.* failed to teach a variable security profile wherein the variable security profile is automatically generated when the system is turned on. Further, *Golding et al.* failed to teach a variable security profile which specifies a variable number of unsuccessful power-on password attempts permitted based upon at least one other factor chosen from time of day and day of week; and, a security level authorization of the user.

In order to address these deficiencies the Examiner cites *Frisch* for its alleged teaching of a variable security profile which specifies a variable number of unsuccessful password attempts based upon the security level of authorization of the user.

Applicant would first point out to the Examiner that *Frisch* teaches a security profile which allows or denies use of the personal computer based upon the users security profile; however, the present claim specifically requires that the variable security profile of the present invention specify "a variable number of unsuccessful power-on password attempts permitted based upon at least one other factor chosen from time of day and day of week..." this express recitation within the claims is based upon the Applicant's recognition that computers bear a greater risk of security breaches at certain times than at others. For example, at night or on a

week-end within an office environment, as set forth in the present specification at page 4, lines 6-11.

Consequently, the system and method of the present invention utilize a variable security profile which, as expressly set forth within the claims, varies the number of unsuccessful power-on password attempts which are permitted based upon either the time of day or day of week. The Examiner attempts to address this feature by noting that *Frisch*, at pages 224-225, recites "limiting user access to certain days and/or times of day..." and believes that this recitation renders obvious to one of ordinary skill in the art that the number of unsuccessful power-on password attempts permitted might be based upon a factor chosen from time of day and day of week.

Applicant respectfully urges the Examiner to consider that nothing within the suggestion that a user only be permitted to access a computer during certain days and/or times of day would lead one having ordinary skills in the art to a system in which the user may access the system at anytime of the day or on each day but which varies the number of unsuccessful power-on password attempts in the manner set forth within the claims of the present application. A noted benefit of such a system is the fact that users are permitted to access the computer at anytime of the day or night and upon any day; however, those periods during which security breaches are more likely are given the additional protection of varying the number of unsuccessful power-on password attempts which are permitted during those periods.

As *Golding et al.* and *Frisch* are entirely silent on the subject of varying the number of unsuccessful power-on password attempts which are permitted based upon time of day or day of week, as expressly set forth within the claims of the present application, and as the only suggestion for this modification is present within the Applicant's own specification, Applicant urges the Examiner to consider that this combination of references is deficient in an attempt to show or suggest the present invention. This is especially true in that *Frisch* expressly teaches denial of any usage of the computer during particular periods of time, a teaching which is directly contrary to the claimed invention in the present application which permits the user to log in during all times but which varies the number of unsuccessful power-on password attempts which are permitted during selected days or times. Consequently, Applicant urges that Claims 1-

9 define patentable subject matter over this combination of references and withdrawal of this rejection and passage of this application to issue is respectfully requested.

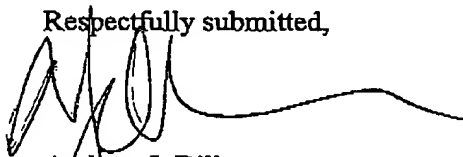
The Examiner has rejected Claim 10 under 35 U.S.C. §103(a) as being unpatentable over *Golding et al.* in view of *Frisch*, as applied to Claims 7-9 and further in view of *Schmidt*, United States Patent Number 5,912,621. That rejection is also respectfully traversed.

The Examiner has once again cited *Schmidt* for its teaching of a computer system which is responsive to removal of its physical encasement; however, nothing within *Schmidt* shows or suggests the specification of a variable number of unsuccessful power-on password attempts which are permitted based upon either the time of day or day of week as set forth within Claim 7, from which Claim 10 indirectly depends. Consequently, for this reason and for the reasons set forth above Applicant urges that this rejection is not well founded and its withdrawal is respectfully requested.

CONCLUSION

No additional fees are believed to be necessary, however, in the event that any additional fees are required, please charge those fees and any other required fees to **IBM Corporation Deposit Account Number 50-0563**. No extension of time is believed to be required; however, in the event an extension of time is required please consider the extension requested and charge those fees to **IBM Corporation Deposit Account Number 50-0563**.

Respectfully submitted,



Andrew J. Dillon
Reg. No. 29,634
Dillon & Yudell LLP
8911 N. Capital of Texas Hwy.
Suite 2110
Austin, Texas 78759
(512) 343-6116
(512) 343-6446 Facsimile

ATTORNEY FOR APPLICANTS